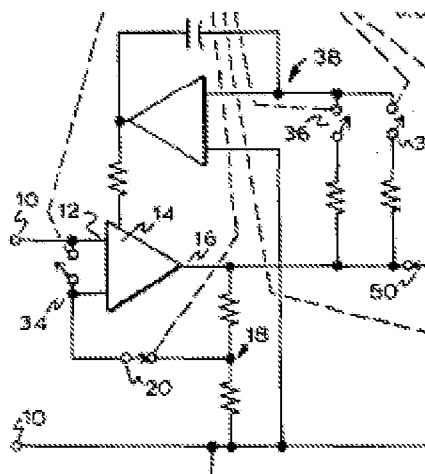


### **REMARKS**

In the Office Communication mailed March 10, 2010 as entered in the above-captioned matter, the Examiner rejected claims 1, 6, 10, and 11 under 35 U.S.C. 102(b) as being anticipated by Smith (US Pat 4,025,869) (“Smith”). Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Smith. Claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Braun et al. (US Pat 6,050,940) (“Braun”). Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Gudaitis (US Pat 5,392,784) (“Gudaitis”). The applicant respectfully traverses these objections and rejections and requests reconsideration.

#### **Rejections under 35 U.S.C. 102**

Claims 1, 6, 10, and 11 were rejected under 35 U.S.C. 102(b) as being anticipated by Smith. The Examiner relies upon Smith’s FIG. 2 (shown in relevant part at the right) to disclose an integrator-based feedback loop (38) that provides a feedback signal to an amplifier (14).



There are a number of different bases by which Smith’s teachings can be differentiated from our claims. As one of these

differences is so compelling, however, for the sake of brevity we will only offer comments in those specific regards at this time.

To put this simply, Smith teaches use of a non-differential approach. We describe, however, a *differential* approach. In particular, and at the least, claim 1 (as amended) claims a

differential error correction parameter. As Smith is silent in these regards, we respectfully observe that Smith cannot be fairly applied as an anticipatory reference against claim 1.

*Dependent claim 30*

Claim 1 previously specified at least two signal inputs that correspond to a bio-metric parameter. The Examiner contends that Smith discloses this requirement at reference numeral 10 of FIG. 2 (see above). We have amended claim 1 to now only require at least one such signal input, but new dependent claim 30 specifies “providing at least two signal inputs that correspond to the bio-metric parameter.”

With all due respect, we note that reference numeral “10” of Smith’s FIG. 2 refers to only a single input/signal and not two. While Smith’s amplifier 14 itself has two inputs, there is no hint or suggestion that those inputs are configured to receive “two signal inputs” that both correspond to a same parameter (in this case, a bio-metric parameter). Accordingly, we respectfully submit that Smith does not anticipate the recitations of claim 30.

*Dependent claims 3-6, and 10-12*

These claims, rejected either under 35 U.S.C. 102 or 103, are ultimately dependent upon claim 1, which claim has been shown above to be allowable. While the applicant believes that other arguments are available to highlight the allowable subject matter presented in various ones of these dependent claims, the applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration.

**Conclusion**

U.S. Patent Application No. 10/656,914

Attorney Docket No. 7595/79330

Amendment C and Response to Office Action dated August 30, 2010

Office Action of March 10, 2010

There being no other objections to or rejections of the claims, the applicant respectfully submits that claims 1, 3-6, 10-12, and 30 may be passed to issuance. If the Examiner should have any other points of concern, the Examiner is expressly invited to contact the undersigned by telephone to discuss those concerns and to seek an amicable resolution.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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